

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

May 21, 2018

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Sean Fay, Colleen Hughes, Phil Hodge, George LaVenture, Greg Gallagher, and Chris Russ. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. May 7, 2018

Following a brief discussion about minor changes to the draft minutes, on a motion by Mr. Gallagher, seconded by Mr. Russ, the Board voted to accept and file the amended minutes of May 7, 2018. Motion carried.

2. Chair's Business

A. Review of letter from Attorney Brian Falk of Mirick O'Connell requesting a date change for the public hearing of Council Order 18-1007224, Ancillary Auto Sales, from June 4, 2018 to July 23, 2018. There were no member objections to this change. The public hearing was rescheduled to July 23, 2018.

B. Chairperson Fenby indicated that she and Mr. Fay attended a meeting with the Marlborough Economic Development Corporation (MEDC) and the Metropolitan Area Planning Council (MAPC) prior to the Planning Board meeting. An overlay district is contemplated for the Lincoln St. area from the Rail Trail to roughly the Armory. Ideas were shared on what types of development may be desired and what makes sense for the area. MEDC has also issued a Request for Proposals to redevelop 5 parcels near the Lincoln St. Rail Trail head. Visit the MEDC Website to view the Request for Proposals.

<http://marlboroughedc.com/rfp-french-hill-development-marlborough-ma/>

3. Approval Not Required

A. **615 Williams St.**- Engineer Bruce Saluk and Associates, Inc. on behalf of Williams Street Holdings, LLC.

Mr. Saluk appeared before the Board to present the ANR plan on Williams St. Mr. Saluk indicated that the purpose of the plan was to record a plan signed by the Planning Board. Chairperson Fenby commented that the plan was not a typical ANR submission. There were no changes to any lot lines on the parcel. Mr. Saluk remarked that a recorded plan was the desired outcome. On a motion by Mr. Fay, seconded by Ms. Hughes, the plan was referred to Engineering. Motion carried.

B. **421 Bolton St.** – Mirick O'Connell and Control Point Associates on behalf of Richard and Jill Cochrane and the City of Marlborough. ANR plan at 421 Bolton St., the proposed site of Benchmark Senior Living (BSL). Attorney David McCay of Mirick O'Connell presented the plan. Mr. McCay explained that the ANR creates two parcels A and B. Parcel A becoming a portion of Lot 1, and Parcel B becoming part of Lot 2. Lots 1 and 2 (excluding Parcels A & B) will be conveyed from the Cochranes to BSL Marlborough Development LLC. Parcels A & B to be conveyed from the City of Marlborough to BSL Marlborough Development LLC with sewer easement rights retained by the City. Lot 2, consisting of approximately 10 acres will be conveyed from BLS Marlborough Development LLC to the City of Marlborough. On a motion by Ms. Hughes and seconded by Mr. LaVenture, the Board voted to refer the ANR to Engineering. Motion carried.

As time allowed, item 5A, Engineer's Report was moved up on the agenda.

5. Pending Subdivision Plans: Updates and Discussion

A. Subdivision Status Report- Engineer's Report

City Engineer DiPersio informed the Board that Solicitor Rider had submitted a proposed Council order (20181007285) to accept Slocumb Lane as a public way, along with its appurtenant easement as a municipal easement. The acceptance plan and a copy of the signed deed including legal descriptions was part of the package. The matter will be referred to the Planning Board and the City Council's Public Services Committee for consideration.

4. Public Hearings

A. Public Hearing: Subdivision Definitive Plan of Land – Subdivider, Marlborough Hub, LLC; Project Engineer, Hancock Associates; Project Site (Pettes Road) Area of Valley St. and Howe St. described in the Middlesex South Registry of Deeds Book 64574, page 193 and Map 82, Parcel 125 in the City Assessor's Maps. Chairperson Fenby opened the hearing at 7:10 p.m. Ms. Hughes read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

Joe Peznola and Jacob Lemieux of Hancock Associates, 315 Elm St., represented the project on behalf of Marlborough Hub, LLC. Mr. Peznola described the project as 1.9 acres in the vicinity of Valley and Howe St. The proposed project is bound on the east by the Design Pak Lofts, to the south by Valley St., to the north by a paper street and the John St. Park, and the west by a paper street. Mr. Peznola asserts that his client owns the rights to the center line of the paper street under the "derelict fee statute", and may, by right, use and improve the way as designed in the plan. In a previous design, infrastructure was included in an adjacent industrial parcel owned by the applicant. This plan was "retooled" and there are no buildings or drainage on the adjacent industrial land. Mr. Peznola stated that the ownership and rights were vetted through City Council and the City Solicitor's Office.

Jacob Lemieux of Hancock Associates described the underground infiltration system designed for the project. He also stated that three of the four parcels would be hooked up to a gravity sewer system. One property is down grade, and will require a pump system. He restated that drainage is designed outside the industrial land.

Mr. Peznola returned to discuss the requested waivers. 1) Requesting a waiver of design standards "property lines at street intersections shall have a radius equal to 30' at intersections involving a major street and 25 feet at other intersections". Request - No property line radius at intersection.

2) A waiver to the subdivision regulations design standards. "The minimum width of rights-of-way shall be as follows: secondary streets: 50 feet. Request is for 40 feet. Q: Ms. Fenby asked whether they had additionally provided a plan showing a standard 50' layout. A: Mr. Peznola responded that the plan shows the layout of 40'. 3) A waiver to the subdivision regulations design standards. ..." The horizontal tangent distance between any two reverse vertical curves shall be a minimum of one hundred feet." Request – A horizontal tangent distance of 53.4 feet. Mr. Peznola explained that care will be taken at Valley Street with about a 3% grade. The grade at the other end must match existing driveways of lots on the west side. 4) A waiver to the subdivision regulations design standards: "Unless otherwise specified by the Planning board, the sidewalks shall extend the full length of each side of the street..." Request – A sidewalk is proposed the full length of one side of the street.

Larry Reeves, project architect, discussed the proposed duplex design. He said they are modeled in a traditional "cottage style" with two car garages in the center of the duplex. This design maximizes exterior exposure to the living spaces. Units will be +- 2400 ft². The height from grade to ridge is about 30'.

Speaking in Favor: Speaking in Opposition:

No person spoke in favor or in opposition to the proposal.

Questions and Comments from Board Members:

Mr. LaVenture asked whether the Fire Chief had weighed in on the proposal. Mr. LaVenture specifically asked about the turning radius with respect to the access by firefighting apparatus. Mr. Peznola indicated that the Fire Chief has not yet provided comments, but that he has a plan and the opportunity to comment. The Board questioned why the "t-section" should not be considered a dead end. Mr. Peznola said that the t-section is akin to a driveway to the fourth duplex unit. The area could be widened in the "t area" to allow for a fire truck.

Frontage shown on lot is only 74.91'. 100' is required. A portion of the "t area" is needed for frontage. Mr. Fay asked what could be built as a matter of right without waivers. Mr. DiPersio indicated that 28' of pavement is the requirement. The proponent had previously indicated that the private sewer services would be replaced. Mr. DiPersio asked whether easements had been gained to secure rights to existing infrastructure (sewer connections). The applicant's representative indicated that those easements had not yet been secured.

On a motion by Mr. LaVenture and seconded by Mr. Fay, the Board voted to refer the matter to Engineering. Motion carried. On a motion by Mr. LaVenture and seconded by Mr. Russ, the Board voted to refer the matter to the City's Legal Department. Motion carried.

Following the public hearing, it was pointed out to Solicitor Rider that the subdivision applicant may have been recording audio and/or video of the proceedings without declaration or consent. The Board briefly recessed. Solicitor Rider returned with the applicant, identified as Matthew Evangelous, and requested a public statement whether the applicant had, or had not, obtained audio or video recordings of the public hearing. The applicant stated for the record that he had not obtained any recordings of the hearing.

6. Preliminary/Open Space/Limited Development Subdivisions

A. 72 Hager St. Open Space Special Permit Pre-Application Review

Peter Bemis from Engineering Design Consultants returned to the Board to introduce a new proposal for the 72 Hager St. land. He had previously submitted an open space subdivision with multiple waiver requests. That plan was withdrawn without prejudice. The new proposed plan will have three lots with frontage along Hager St. with a dedicated open space parcel that will be protected in perpetuity. Grazing of cows would be proposed on the open space and a barn to house the animals would be constructed on private property. Total acreage of the parcels in question is 5.9 acres. The open space management would be detailed in a homeowners' association document. A special permit issued by the Planning Board is required. The Board initially felt it was premature for Mr. Bemis to come before the Board, since the Conservation Commission must also weigh in on whether the land proposed for cow grazing meets the criteria to be considered as open space. City Engineer DiPersio indicated that he advised Mr. Bemis that coming before the Board with Engineering present would meet the intent of the pre-application review, but Mr. Bemis must follow up with the Conservation Commission to validate that the open space meets the necessary criteria. Mr. Bemis will follow up with Conservation Officer, Priscilla Ryder, prior to submission of the special permit application. Mr. Bemis intends to submit the application for a special permit at the next meeting of the Planning Board.

7. Definitive Subdivision Submission (None)

8. Signs (None)

9. Informal Discussion

A. Multi-Family Development Review Criteria and Design Guidelines (Draft)

On a motion by motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to table item 9A. Carried.

10. Unfinished Business

A. Proposed Zoning Amendment, Article VI, Section 650-22 – Retirement Community Overlay District, 90 Crowley Drive. Order 18-1007198.

On a motion by Mr. Fay and seconded by Mr. LaVenture, the Board voted to make a *conditional* favorable recommendation to the City Council for the proposed zoning amendment. Motion Carried.

The Board provided the following reasons in reaching its recommendation:

- The developer established that the proposed overlay district would result in a development meeting a demonstrated need for a diversified housing stock in the City of Marlborough;
- The developer established that the proposed overlay district would benefit the City by providing an age-restricted (Age 55+) housing option with a positive fiscal impact to the City of Marlborough;
- The developer established to the Board's satisfaction that the proposed overlay district fits into the neighborhood, and in the Board's opinion, approval of the overlay district for this area would not unduly burden abutters.

While the Planning Board favorably views the amendment of the Retirement Community Overlay District for the Crowley Drive area, the Planning Board recommends additional restrictions to provide further City protections:

- In Section 3.D. (2) The Planning Board favors restricting units to studio, one (1), two (2) and two (2) bedroom with a study;
- In Section 3 D. (5) *No part of any principal building in a multifamily retirement community shall be less than 25 feet from any exterior lot line or less than 50 feet from a public way.* The Board's consensus is that these limits may be appropriate for the proponent's development, but the restriction provides too little protection for potential abutters in other areas of the City.
- In Section 3. D. (10) *A minimum of 1.0 parking space per dwelling unit shall be provided in a multifamily retirement community.* The Board's consensus it that (1) parking spot per dwelling unit is inadequate.
- The Board would prefer a proposal that would apply only to contiguous parcels in the Crowley Drive neighborhood, and not one that would allow the contemplated multi-family units in other parts of the City. Although the consensus of the Board was that the developer met its burden as outlined above, the Board did not favor an amendment that would apply to other areas of the City, and members expressed concern that the proposed amendment could be used as basis for less desirable multi-family units that would not be appropriate in other areas of the City.

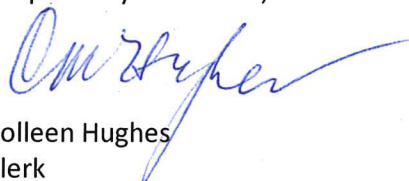
11. Correspondence: (None)

12. Public Notices of other Cities and Towns: (None)

Adjournment: On a motion made by Mr. Gallagher, seconded by Mr. Russ, it was voted to adjourn at 8:45 pm. Motion carried.

/kih

Respectfully submitted,



Colleen Hughes
Clerk